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PATENT
Docket No. 59098US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): | BURTON, Scott et al. | Group Art Unit: | 1615 |
| Serial No.: | 10/729,114 | Examiner: | Isis A.D. Ghali |
| Filed: | 5 December 2003 | Confirmation No.: | 3162 |
| For: | WOUND DRESSING AND METHODS | | |

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Mueting, Raasch & Gebhardt, P.A.

Nov. 1, 2007
Date

By: Ann M. Mueting
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Signature: Margaret S. Wills
Name: Margaret S. Wills

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**PETITION FROM REQUIREMENT FOR RESTRICTION UNDER 37 C.F.R. §1.144**

Technology Center 1600; Art Unit 1615
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the Director review the requirement for restriction mailed on April 12, 2007 in the above-referenced matter. In accordance with 37 C.F.R. § 1.144, reconsideration of the restriction requirement was requested in the election filed on June 5, 2007. Moreover, pursuant to MPEP 818.03(c), the election was made with traverse.

Applicants wish to reiterate the argument put forth in the original response to the restriction requirement in that restriction between inventions I, II, and III is improper, because claim 1 is generic to claims 19 and 20 such that claims 19 and 20 recite all of the language of claim 1. Claim 1 recites "a wound dressing comprising an apertured liquid permeable substrate and an absorbent, nonadherent polymer composition" and "an optional plasticizing agent" that is common to claims 19, 20, and claims dependent therefrom. Additionally, claim 1 recites "a hydrophobic organic polymer matrix" that includes the "hydrophobic organic polymer matrices" further specified in claims 19, 20, and claims dependent therefrom, as evidenced by claim 2. Furthermore, claim 1 recites "hydrophilic organic microparticles" that include the microparticles further specified in claims 19, 20, and claims dependent therefrom, as evidenced by claims 9 and 12.

Applicants remain of the view that claim 1 is indeed generic to claims 19 and 20 under the definition set forth in the MPEP 806.04(d).

In the resulting Office Action mailed July 20, 2007, in which the Examiner makes the restriction final, the Examiner sets forth the argument as found on p. 2 that "claim 1 is distinct from claims 19 and 20 because it does not require specific polymers and specific microparticles as required by claims 19 and 20." This is true, however, those polymers and microparticles of claims 19 and 20 are within the scope of the polymers and microparticles of claim 1, as evidenced by dependent claims 2, 9, and 12.

Furthermore, the Examiner states "Invention I requires specific particle sizes and specific aperture sizes of the substrate, and dispersion of the microparticles, all not required by inventions II and III." It is noted that such recitations (e.g., antimicrobial agent, additives, particle size, aperture size, dispersion) are in claims dependent from claim 1. Many of the claims that depend from claims 1 could also depend from claims 19 and 20.

Although 37 C.F.R. §1.181(f) implies that a petition must be filed within two months of the mailing date of the action from which relief is requested, Applicants wish to bring to the Director's attention that 37 C.F.R. § 1.144 reads as follows:

> "After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, any petition the Director to review the requirement. ***Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal.*** A petition will not be considered if reconsideration of the requirement was not requested." (emphasis added)

Thereby, Applicants believe that this petition from requirement for restriction has been filed in a timely manner and respectfully request that the Director review the requirement for restriction as instituted by the Examiner.

A copy of the claims as filed (Exhibit A) has been included herewith for the convenience of the Director.

Applicants believe that no fee is due when filing a petition pursuant with 37 C.F.R. §1.181. However, in the event a fee is due, Applicants hereby authorize the charge of any fee or credit any overpayment to Account No. 13-4895.

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number if there are any questions.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to: Tech Center 1600; Art Unit 1615, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of November, 2007, at 2:04 pm (Central Time).

By: Mary S. Willis
Name: Mary S. Willis

Nov. 1, 2007
Date

Respectfully submitted
By
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# EXHIBIT A - Claims as filed







WHAT IS CLAIMED IS:

1. A method of coating silver compounds on a substrate, the method comprising:

combining a sparingly soluble silver-containing compound with an ammonium-containing compound to form an aqueous solution,

coating the solution on a substrate,

and drying the coated substrate.

2. The method of claim 1, wherein the solution has a pH of about 9.

3. The method of claim 1 wherein the solution is formed at less than 40 °C.

4. The method of claim 1, wherein the solution is coated at less than 40 °C.

5. The method of claim 1, wherein the silver-containing compound is selected from the group consisting of silver chloride, silver sulfate, silver carbonate, silver oxide, silver stearate, silver phosphate, silver thiocyanate.

6. The method of claim 5 wherein the silver-containing compound is silver oxide.

7. The method of claim 1, wherein the ammonium-containing compound is selected from the group consisting of ammonium carbonate, ammonium pentaborate and ammonium acetate.

8. The method of claim 7 wherein the ammonium-containing compound is ammonium carbonate.

9. The method of claim 1, wherein the silver-containing compound forms a silver-ammonium complex when combined with the ammonium-containing compound.

10. The method of claim 1, wherein the silver-containing compound remains on the substrate after drying the substrate while the remainder of the coating is volatilized.

11. The method of claim 1, wherein the ammonium-containing compound is essentially all removed after drying the substrate.

12. The method of claim 1, further comprising the step of adding an oxidizing agent to the solution.

13. The method of claim 1, further comprising the step of adding an oxidizing agent to the coated substrate.

14. The method of claim 1, wherein the substrate is selected from the group consisting of a nonwoven gauze, a woven gauze, a polyester fiber, a foam, a film and a hydrocolloid.

15. A method of coating silver compounds on a substrate, the method comprising:
combining silver oxide with ammonium carbonate to form an aqueous solution,
coating the solution on a substrate,
and drying the coated substrate.

16. The method of claim 15, wherein the solution has a pH of about 9.

17. The method of claim 15, wherein the solution is formed at less than 40 °C.

18. The method of claim 15, wherein the solution is coated at less than 40 °C.

19. The method of claim 15, wherein the silver oxide forms a silver-ammonium complex when combined with the ammonium carbonate.

20. The method of claim 15, wherein the silver oxide is the only compound from the solution that remains on the substrate after drying the substrate.

21. The method of claim 15, wherein the ammonium carbonate is removed after drying the substrate.

22. The method of claim 15, further comprising the step of adding an oxidizing agent to the solution.

23. The method of claim 15, further comprising the step of adding an oxidizing agent to the coated substrate.

24. The method of claim 15, wherein the substrate is selected from the group consisting of a nonwoven gauze, a woven gauze, a polyester fiber, a foam, a film and a hydrocolloid.

25. An article made by the method of claim 1 wherein the article impregnated with sparingly soluble silver-containing compound is essentially free of the ammonium compound or residual components of the ammonium compound and the silver-containing compound introduced during the application of the solution.

26. An article made by the method of claim 15 wherein the article impregnated with silver oxide is essentially free of compounds introduced during the application of the solution other than the silver oxide.

27. A method of coating silver compounds on a substrate, the method comprising:

combining silver oxide with an ammonium-containing compound to form an aqueous solution,

adding an oxidizing agent in an effective amount to increase the valence state of the silver oxide,

coating the solution on a substrate,

and drying the coated substrate.

28. The method of claim 27, wherein the solution has a pH of about 9.

29. The method of claim 27, wherein the solution is formed at less than 40 °C.

30. The method of claim 27, wherein the solution is coated at less than 40 °C.

31. The method of claim 27, wherein the ammonium-containing compound is selected from the group consisting of ammonium carbonate, ammonium pentaborate and ammonium acetate.

32. The method of claim 31 wherein the ammonium-containing compound is ammonium carbonate.

33. The method of claim 27, wherein the silver oxide forms a silver-ammonium complex when combined with the ammonium-containing compound.

34. The method of claim 27, wherein the silver oxide is the only compound from the solution that remains on the substrate after drying the substrate.

35. The method of claim 27, wherein the substrate is selected from the group consisting of a nonwoven gauze, a woven gauze, a polyester fiber, a foam, a film and a hydrocolloid.

36. The method of claim 1, wherein the composition is stable.

37. A wound dressing made by the method of claim 1.

38. A wound dressing made by the method of claim 15.

39. A wound dressing made by the method of claim 27.

40. A medical article comprising a porous substrate impregnated with one or more sparingly soluble silver compounds, wherein the medical article has less than 1 N/cm peel strength to steel and does not adhere to wound tissue.

41. The medical article of claim 40, wherein the medical article is capable of absorbing saline at least 100% of its dry weight.

42. The medical article of claim 40, wherein the medical article is capable of absorbing saline at least 200% of its dry weight.

43. The medical article of claim 40, wherein the porous substrate is nonadherent.

44. The medical article of claim 40, wherein the porous substrate is covered on one or more sides by a nonadherent layer.